

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

H.T. SMITH,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 318-024
	)	
ANTOINE CALDWELL, Warden,	)	
	)	
Respondent.	)	

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**O R D E R**

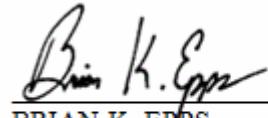
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On March 28, 2018, Petitioner, an inmate at Johnson State Prison in Wrightsville, Georgia, submitted an application for writ of habeas corpus, filed on forms used for the Superior Courts of the State of Georgia, challenging a judgment of conviction entered in the Superior Court of Fulton County. (Doc. no. 1.) On April 3, 2018, the Court ordered Petitioner to file an amended petition within fourteen days if he intended to pursue federal habeas relief pursuant to 28 U.S.C. § 2254. (Doc. no. 3.) Petitioner did not file an amended petition, explain his failure to do so, or otherwise communicate with the Court in any way before the fourteen-day deadline expired. On April 25, 2018, the Court entered a Report and Recommendation, recommending Petitioner's case be dismissed under Local Rule 41.1 due to Petitioner's failure to prosecute the action. (Doc. no. 4.) On May 8, 2018, Petitioner filed an amended petition. (Doc. no. 6.) Although Petitioner should have filed the amended petition within the time frame established by the Court's April 3rd Order, the Court will not

dismiss the petition for his failure to do so. Accordingly, the Court hereby **VACATES** its R&R dated April 25, 2018. (Doc. no. 4.)

In the regular course of business, the Court will conduct an initial review of the petition as required by Rule 4 of the Rules Governing Section 2254 Proceedings for the United States District Courts, and, if appropriate, direct Respondent to file an answer or response to the amended petition

SO ORDERED this 14th day of May, 2018, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA